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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,266	08/27/2003	David Ross	740618-57	5231
22204	7590	02/21/2008		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER DESIR, JEAN WICEL	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,266

Applicant(s)

ROSS ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/27/07 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, Jr. et al (US 5,982,456).

Claim 12:

Smith discloses:

A video production switcher (see Fig. 1, col. 3 lines 40-41), comprising:

“an integrated digital video effects processor having processing elements”, see col. 4 lines 52-67;

“one or more keyers”, see col. 2 lines 51-52, col. 4 lines 10-11;

“one or more mixers”, see Fig. 1 items 24, 38;

“one or more effects devices”, see Fig. 1 items 24, 38, 36; and

“routing elements”, see Fig. 1 items 28, 32, 34, 12;

“wherein the digital video effects processor has a dedicated connection from the

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keyers, the mixers, the effects devices, and the routing elements to the processing elements of the digital video effects processor”, see Fig. 1 items 30, 32, 34, 28.

Claim 13 is disclosed, see col. 4 lines 12-32.

Claim 14 is disclosed, see col. 3 lines 6-27.

Claims 15-18 are disclosed, see col. 4 lines 6-67, col. 3 lines 6-27.

Claim 19 is disclosed, see Fig. 1 items 38.

Claims 20, 21 are disclosed, see col. 3 line 58 to col. 4 line 63.

Claim 22 is disclosed, see col. 3 lines 51-65, col. 4 lines 21-27.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive.

4. Regarding claim 12, the Applicants argue on pages 5 and 6 of the REMARKS that Smith fails to disclose at least the limitation “wherein the digital video effects processor has a dedicated connection from the keyers, the mixers, the effects devices, and the routing elements to the processing elements of the digital video effects processor”, because “the cited reference (Smith) does not disclose any direct connection between the DVE unit 30 and the internal mixing and keying elements” and the Applicants cited several portions of the specification (see the REMARKS page 6 second paragraph) to show support for the claimed invention. These arguments are not persuasive, because no direct connection is claimed in claim 12, as argued by the Applicants, and Fig. 1 of Smith clearly shows dedicated connection from the elements of Fig. 1 to the processing elements of the digital video effects processor, as claimed and

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as pointed out in the rejection. And furthermore, it is noted that the features upon which applicant relies (see REMARKS page 6 second paragraph lines 5-13) are not recited in the rejected claim 12. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Regarding claim 14, Smith teaches "recalled" as claimed and as pointed out in the rejection, because of the processing going on in Smith's disclosure that required communication between the microprocessor/software and memories for generating special effects (see again col. 3 lines 6-27).

6. Regarding claim 15, Smith teaches combined (composited) video inputs signals to produce desired video output signals (see again col. 3 lines 6-19), hence the claimed invention as claimed is disclosed as pointed out in the rejection.

7. Regarding claim 16, Smith teaches "video within the keyers is routed directly to digital video effects processor, and a resultant video is re-inserted into the keyers" as claimed and as pointed out in the rejection, because smith teaches digital video production switcher for processing video signals and generating special effects video output signals that required keying, mixing, composition, routing, and also re-insertion in order to provide the special effects (see again col. 3 lines 6-27).

8. Regarding claim 17, Smith teaches dedicated keying resources to composite effects and transitions, and user determination as claimed and as pointed out in the rejection (see further col. 4 lines 10-32, col. 3 lines 6-27, col. 1 lines 20-37).

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9. Regarding claim 18, Smith is not silent regarding a user interface, as argued by the Applicants, Smith clearly teaches a user interface as claimed and as pointed in the rejection (see further col. 4 lines 14-20).

10. Regarding claim 20, "recall" is already addressed in claim 14, and Smith also teaches simultaneous operation as claimed, because of the multitasking operation happening in Smith's disclosure.

11. Regarding claim 21, contrary to the Applicants' arguments, Smith teaches pre-layering of effects, or the use of dedicated keying resources to composite a resultant digital effect, as claimed in claim 21, and already addressed in claims 15, 17.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

Feb. 18, 08

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal stroke extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER